

Appl. No. : 10/649,372
Filed : August 26, 2003

REMARKS

The November 1, 2006 Final Office Action was based on pending Claims 2, 5, 7-12, 17-20, 22, 24-27, 29, 31-40 and 48-64. No claim amendments are presented by this Response. Thus, in view of the remarks set forth below, Applicant submits that Claims 2, 5, 7-12, 17-20, 22, 24-27, 29, 31-40 and 48-64 are in condition for allowance.

SUMMARY OF FINAL OFFICE ACTION

The November 1, 2006 Final Office Action rejected Claims 2, 5, 7-12, 17-20, 22, 24-27, 29, 31-40 and 48-64 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Final Office Action further indicated that the aforementioned claims would be allowable if the rejections under 35 U.S.C. § 112, first paragraph, were overcome.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for the indication of allowable subject matter in the pending claims if the 35 U.S.C. § 112 rejections were overcome. As discussed below, Applicant respectfully submits that the pending claims are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The November 1, 2006 Final Office Action rejected Claims 2, 5, 7-12, 17-20, 22, 24-27, 29, 31-40 and 48-64 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action states on page 2 that "[t]he specification, as originally filed, fails to disclose that the device transmitter [is] configure[d] to authenticate the interrogations signal" and that such a claim limitation, without support from the specification, constitutes new matter.

Applicant respectfully disagrees with the 35 U.S.C. § 112 rejection and submits that the pending claims satisfy the written description requirement. The written description requirement is satisfied when a "patent specification . . . describe[s] the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention" (M.P.E.P. § 2163(I)). Such a

determination is made based on the nature of the invention and the knowledge imparted by the disclosure (see M.P.E.P. § 2163(II)(A)). Moreover, terms recited in the claim need not be the same terms used in the specification in order to satisfy the written description requirement (see M.P.E.P. § 2163.02).

For instance, Claim 2 recites a method for identifying a lost or stolen device. The method includes, among other things (with emphasis added):

transmitting with at least one reader an interrogation signal to a transmitter of a detected device;
authenticating the interrogation signal;
receiving identifying information from the transmitter of the detected device with the at least one reader.

As support for the claimed act of “authenticating,” the specification recites, for example, on page 11, lines 9–12 (emphasis added):

In one embodiment, for security purposes, the designated reader 202 may be required to *provide a password* which allows it to write to the memory of the transmitter 210, or alternatively, the information transmitted by the reader 202 may be *encrypted such that only the transmitter 210 can read and store the information.*

Thus, in the embodiment disclosed above, the transmitter 210 associated with a detected device authenticates the interrogation signal received from the reader 202 in order to process the information contained in the interrogation signal. Such authentication includes, but is not limited to, verifying the password transmitted by the reader and/or decrypting information received from the reader.

In another example in the specification, the transmitter of a detected device uses a direct sequence spread spectrum (DSSS) modulation technique for communicating with a reader (see, for example, page 7, lines 6–8). In such embodiments, and as is customarily performed with respect to DSSS communications, the transmitter authenticates the interrogation signal sent by the reader by applying a particular sequence to de-spread the interrogation signal, the particular sequence being related to the sequence used by the reader to modulate the signal.

Applicant further notes that the above citations to the specification are for exemplary purposes only and do not represent Applicant’s only arguments for written

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description support of the claims. Rather, Applicant respectfully submits that a skilled artisan would recognize from the disclosure as filed that Applicant was in possession of the claimed invention at least as early as the time of filing of the application.

In view of at least the foregoing, Applicant respectfully submits that the specification as filed provides adequate written description support for each of the pending claims. Applicant, therefore, respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

CANCELED CLAIMS 21, 23 AND 28

The November 1, 2006 Final Office Action indicated that Claims 21, 23 and 28 were pending in the present application. Applicant notes that Claims 21, 23 and 28 were canceled in previous responses by the Applicant. Applicant respectfully requests correction in subsequent communication(s) from the Examiner.

CONCLUSION

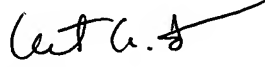
In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 12/20/2006

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